

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated April 15, 2010 has been received and its contents carefully reviewed.

Claims 1 and 3-21 are hereby amended. Claim 2 is canceled without prejudice or disclaimer. Support for the amendments can be found, for example, at Specification, page 11, lines 23-27; page 15, lines 1-5; and Figures 1-2. No new matter has been added. Accordingly, claims 1 and 3-25 are currently pending, of which claims 22-25 are withdrawn from consideration. Reexamination and reconsideration of the pending claims are respectfully requested.

The Office Action rejects claims 19-21 under 35 U.S.C. §112, second paragraph, as being indefinite. Applicants have amended claims 19-21 to more clearly define claimed subject matter. Applicants therefore respectfully request withdrawal of the 35 U.S.C. §112, second paragraph, rejection of claims 19-21.

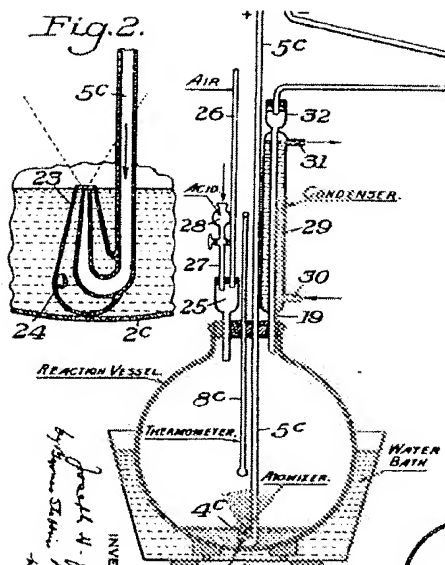
The Office Action rejects claims 1-6, 9, 10, and 18-21 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,009,664 to James (*James*). Claim 2 is canceled, so the rejection of claim 2 is moot. Applicants respectfully request withdrawal of the rejection of the remaining claims.

As required in M.P.E.P. §2131, in order to anticipate a claim under 35 U.S.C. §102, “the reference must teach every element of the claim.” *James* fails to teach all the elements of claims 1, 3-6, 9, 10, and 18-21, and thus cannot anticipate these claims.

Claim 1 recites, “apparatus for extracting gaseous, liquid and/or solid elements from a gaseous medium and concentrating said elements in a liquid medium, by nebulizing the liquid medium by means of the gaseous medium for producing a mist and condensing the droplets of liquid medium forming the mist produced by the nebulization.” “This apparatus ... may therefore be employed in any fields in which it is desirable to detect or quantitatively determine elements liable to be present in a gaseous, liquid or solid form in gaseous environment, such as

combustion gases (CO, CO₂, SO₂, NO_x, etc.), volatile organic compounds (VOC: hexane, heptane and other alkanes; benzene, toluene, xylenes, and other light aromatic compounds; acetone, monoethyl ketone and other ketones; formaldehyde, acetaldehyde and other aldehydes; perchloroethylene, trichloroethylene and other chlorinated hydrocarbons; chlorofluorocarbons, etc.), polycyclic aromatic hydrocarbons (PAC: benzo(a)pyrene, coronene, naphthalene, etc.), heavy metals (lead, mercury, arsenic, etc.), radioactive contaminants or biological contaminants (microorganisms, pollens).” *Specification*, page 1, lines 15-30.

James discloses an apparatus for “the partial oxidation of hydrocarbons” and “designed to obviate or reduce certain disadvantages in vapor phase air oxidation with or without a catalyst.” *James*, column 1, lines 8-11. The apparatus of *James* is completely different from the apparatus of claim 1. For example, claim 1 recites, “a connection between the first enclosure and the conduit for discharging the gaseous medium from the first enclosure is located substantially at a same height as the nebulization nozzle, or shifted with regard to the orifice of the nebulization nozzle to the direction opposite to the direction in which the gaseous medium is delivered into the first enclosure.” *James* fails to teach or suggest at least these elements of claim 1. The Office Action states that, in *James*, tube 19 reads on “the conduit for discharging the gaseous medium from the first enclosure,” and atomizer 4c reads on “means for nebulizing the liquid medium.” *Office Action*, page 3. As shown in Figures 1 and 2 of *James* (Figure 2 and part of Figure 1 are reproduced below), tube 19 is not “located substantially at a same height as [atomizer 4c], or shifted with regard to the orifice of [atomizer 4c] to the direction opposite to the direction in which the gaseous medium is delivered into [vessel 2c].”



Accordingly, claim 1 is allowable over *James*. Claims 3-6, 9, 10, and 18-21 variously depend from claim 1, and are also allowable for at least the same reasons as claim 1. Applicants therefore respectfully request withdrawal of the 35 U.S.C. §102(b) rejection of claims 1-6, 9, 10, and 18-21.

The Office Action rejects claims 14 and 15 under 35 U.S.C. §103(a) as being obvious over *James*. Applicants respectfully traverse the rejection.

To establish *prima facie* obviousness of a claimed invention, all the elements of the claim must be taught or suggested by the prior art. *James* fails to teach or suggest all the elements of claims 14 and 15, and thus cannot render these claims obvious.

Claims 14 and 15 depend from claim 1, and incorporate all the elements of claim 1. As discussed, *James* fails to teach or suggest the above-recited elements of claim 1. Accordingly, claim 1 and its dependent claims 14 and 14 are allowable over James. Applicants therefore respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of claims 14 and 15.

The application is in condition for allowance and early, favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

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Respectfully submitted,

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